

REMARKS

1. Status of Claims

Claims 1-27 are currently pending in this application. Claims 1, 7, 13, 19 and 25-27 have been amended without prejudice or admission.

2. Claim Rejections

Claims 1-2, 5, 7, 9-14-17, 19, 21-26 and 28-29 stand rejected under 35 U.S.C. § 103 as being unpatentable over Erickson (US6895283) in view of Lekholm (US5042463). Withdrawal of this rejection is respectfully requested. Claims 3 and 15 stand rejected under 35 U.S.C. § 103 as being unpatentable over Erickson and Lekholm in view of Baudino (US6185463). Claims 4, 16 and 27 stand rejected under 35 U.S.C. § 103 as being unpatentable over Erickson and Lekholm in view of Duncan (US20030139782).

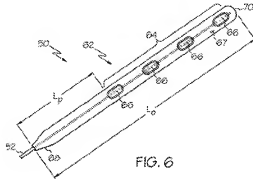
It is noted that Duncan published less than one year before the priority date claimed for this patent application. Accordingly, applicant reserves the right to investigate priority relative to Duncan, and argue and/or submit evidence that Duncan is not prior art to this application.

3. Arguments in Response to Rejections

Independent claims 1, 13 and 25 each specify among other things an orientation marker and the Office Action concedes that Erickson does not show or suggest an orientation marker so this response will not discuss the Erickson reference without prejudice or admission with respect to making further arguments in the future.

Claim 1 specifies among other things “an orientation marker for determining orientation of the lead, the orientation marking including fluoroscopically viewable material displaced from the longitudinal center line on one side thereof such that when viewed under fluoroscopy as being on a particular side of the imaginary center line the orientation of the paddle can be determined.” (Support for the amendments to claims 1, 13 and 25 may be found, for example, in

original claims 7, 19 or 26, as well as in the specification and drawings.) An example of the orientation marker is shown in figure 6 using the reference number 67.



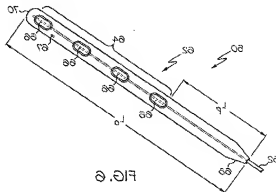
Orientation marker 67 appears to be on the right side of the longitudinal center line of the paddle 50 when viewed from the front.

This allows determination of the direction in which the electrodes face using fluoroscopy or other medical imaging

In figure 6, the orientation marker appears to be on the right side of the longitudinal center line of the paddle 50. If we were to view the lead of figure 6, however, from the backside (see below), the orientation marker would appear to be on the left side of the longitudinal center line, thus providing an indication of which major face of the lead is facing which way.

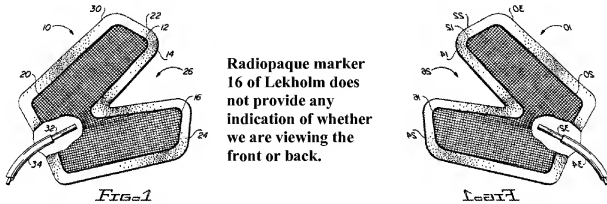
The orientation marker 67 appears to be on the left side of the longitudinal center line when the paddle 50 is viewed from the back.

In this exemplary case, we would know that the electrodes are facing away from the viewer.



Lekholm discloses a “planar, highly flexible patch electrode 10” in which a “radiopaque marker 16 is formed by interweaving about the periphery of the mesh 12 a tantalum coil that is disposed within an electrically insulating sealed silicone tube.” The summary of the invention describes the marker as follows: “A tantalum coil within silicone tubing preferably extends about the periphery of the mesh to make the electrode more readily visible on X-ray photographs.” Thus, Lekholm describes the radiopaque marker 16 as extending along the periphery, and does not describe the radiopaque marker 16 as being displaced from a longitudinal center line of the

paddle on one side thereof such that when viewed under fluoroscopy as being on a particular side of the imaginary center line the orientation of the paddle can be determined. Please note the comparison of figure 1 of Lekholm with the mirror image thereof.



Accordingly, it is submitted that Lekholm also does not show or suggest the claimed orientation marker of any of claims 1, 13 or 27, much less the features of the claims dependent thereon.

The dependent claims are believed to further distinguish over the cited documents.

4. Miscellaneous and Conclusion

The Examiner is respectfully requested to contact the undersigned by telephone at 763.505. 0422 or by E-mail at steve.bauer@medtronic.com with any questions or comments.

Please grant any extension of time, if necessary for entry of this paper, and charge any fee due for such extension or any other fee required in connection with this paper to Deposit Account No. 13-2546. A request for a three month extension of time is being filed concurrently with this response.

In view of the foregoing, applicant respectfully requests reconsideration and allowance of the claims. Early notice of allowability is kindly requested.

Respectfully submitted,

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